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**MATT BLUNT**

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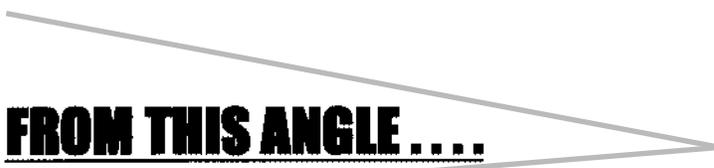
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Register Filing Deadlines	Register Publication	Code Publication	Code Effective
March 1, 2001	<b>April 2, 2001</b>	April 30, 2001	May 30, 2001
March 15, 2001	<b>April 16, 2001</b>	April 30, 2001	May 30, 2001
March 30, 2001	<b>May 1, 2001</b>	May 31, 2001	June 30, 2001
April 13, 2001	<b>May 15, 2001</b>	May 31, 2001	June 30, 2001
May 1, 2001	<b>June 1, 2001</b>	June 30, 2001	July 30, 2001
May 15, 2001	<b>June 15, 2001</b>	June 30, 2001	July 30, 2001
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June 15, 2001	<b>July 16, 2001</b>	July 31, 2001	Aug. 30, 2001
June 29, 2001	<b>Aug. 1, 2001</b>	Aug. 31, 2001	Sept. 30, 2001
July 13, 2001	<b>Aug. 15, 2001</b>	Aug. 31, 2001	Sept. 30, 2001
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Aug. 15, 2001	<b>Sept. 17, 2001</b>	Sept. 30, 2001	Oct. 30, 2001
Aug. 31, 2001	<b>Oct. 1, 2001</b>	Oct. 31, 2001	Nov. 30, 2001
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Oct. 16, 2001	<b>Nov. 15, 2001</b>	Nov. 30, 2001	Dec. 30, 2001
Nov. 1, 2001	<b>Dec. 3, 2001</b>	Dec. 31, 2001	Jan. 30, 2002
Nov. 15, 2001	<b>Dec. 17, 2001</b>	Dec. 31, 2001	Jan. 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.



## **FROM THIS ANGLE . . . .**

### **Tips & Suggestions?!?**

Just a reminder . . . we would still like to include any tips and suggestions you may have that you feel might be beneficial if included in the rewrite of the rulemaking manual! We are almost ready with our final revisions and will be going to print soon — therefore, we need to hear from you if you have any comment or suggestion you would like to add to the final edition. Feel free to e-mail us at: [rules@sosmail.state.mo.us](mailto:rules@sosmail.state.mo.us) or call (573) 751-4015.

### **Incorporated by reference . . . included herein**

We have had some requests for this topic to be revisited — since some are still finding it to be somewhat confusing.

When we **do not** include a form or **do not publish** the form, *but* it is considered a part of the rule, and is referred to in the rule, we will refer to the same as "**incorporated by reference.**"

When the form **is** included, and **is** considered a part of the rule and **we do publish** the form, we will state that the form is "**included herein.**"

When the agency rule refers to reference materials which are on file with our office, but which are too large to include as a part of the printed rule, then that material may be "**incorporated by reference.**"

We hope this will help clear up any existing confusion about these two terms.

### **GPO Manual**

For questions regarding grammar usage, punctuation, numerals, etc., etc., we have adopted the U.S. Government Printing Office Manual as our "official" reference. This manual can be accessed online, for free, at [http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs). If you have any other questions after checking with this site, please feel free to contact us. We believe this will be a useful tool for you and will enable us all to be "on the same page."

### **General Organization Rules**

With the change(s) in administration, we thought it might be helpful if we would remind you to look over your general organization rules. Many agencies need to update their internal policy rules insofar as office structure and organization are concerned. Our office is in the process of updating ours; many other agencies also need to do the same.

Also, another reminder regarding delegation of authority — we need the signature on file for the person or persons who are authorized to file rules on behalf of your agency!

### **LOOK at Your Forms!**

As you update your rules, please pay extra attention to your forms. Many agencies have out-of-date forms, which need to be removed or updated. We are encouraging agencies to remove their forms, whenever possible. Some agencies are referring individuals to their specific website address for viewing and downloading and/or printing their current forms, for their specific agency. Just a suggestion . . . .

### **Agency Rulemaking Policy**

At our meeting with you on the 31<sup>st</sup> of May, we received many comments from agencies that did not know they needed their own internal policy in place. Section 536.016, RSMo 2000, states that any agency that proposes rules must adopt rulemaking procedures. These procedures should determine if a rulemaking is necessary to carry out the purposes of the statute authorizing the rulemaking. This determination should also include an assessment of the effectiveness and cost of the rulemaking both to private and public person(s) or entities. This is an internal (within your agency) policy and procedure that each agency is required by statute to maintain.

### **Reminder — Ease of Revisions — Copies of Rules**

By way of reminder, please remember, for your convenience and ease of revisions of your existing rule, we can furnish you with a diskette containing your rule as it currently exists on the record; or we can e-mail your current rule, or, alternatively, if we have sufficient lead time, we can burn a CD for your use.

We have also had some agencies request that we burn a CD for their use for field agents who utilize laptops in order that their agent(s) can have their agency's rules easily accessible while away from their home base office. Call us and we can discuss this option with you.

Remember, we are here to assist you in the rulemaking process and assist in any way we can make the process smoother for you — from inception to the final order of rulemaking, to the publishing of the same in Register or Code.

As always, please give us a call or e-mail us if we may be of assistance to you.



Lynne C. Angle,  
Director, Administrative Rules Division

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Public Drinking Water Program Chapter 13—Grants and Loans

### EMERGENCY AMENDMENT

**10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Supply Systems.** The department is adding section (6).

*PURPOSE:* This amendment adds criteria for providing grants for source water protection under the Conservation Reserve Enhancement Program (CREP). Applicants for this funding must have a department-approved source water protection program.

*EMERGENCY STATEMENT:* This amendment adopts criteria for making grant money available for rental enhancement grant payments under the Conservation Reserve Enhancement Program (CREP). These grants will help local political subdivisions provide better protection of source water used for public drinking water. The grants will be used to compensate farmers for taking agricultural land out of production in critical source water protection areas. This will protect public health, safety and welfare by decreasing sediment, nutrient and pesticide run-off into water sources used for public drinking water purposes.

Money is available for CREP grants in state fiscal year 2001. This emergency amendment is necessary to use the money available for this purpose this fiscal year. Without this emergency

amendment, systems will have only one opportunity to apply for CREP grants. Due to the limits on the amount of a grant that can be awarded per application, this will be insufficient to meet the source water protection needs of some of the larger areas. A second grant award will be needed to more fully protect public health in those watersheds.

Grants under 10 CSR 60-13.010 can be awarded to a water system no more frequently than once every two years. This emergency amendment will enable systems continuing to have unmet source water protection needs to apply for a second CREP grant in FY03, the last year the CREP will be available.

Several water systems are ready to apply for the CREP grants. Farmers in critical watersheds have been signed up to participate. Contracts with those farmers cannot be finalized until the CREP grant is awarded. In order to maintain interest and momentum in this public health protection effort, the grants should be awarded and the contracts finalized as soon as possible.

To ensure fairness to all interested persons and parties under the circumstances, pre-publication drafts of these changes to the rule were distributed to water industry associations, all eligible water systems, the Safe Drinking Water Commission and all persons requesting to be on the mailing list. The rulemaking was discussed at several Safe Drinking Water Commission meetings. Public input was sought on the provisions of this emergency rule through the proposed amendment in the regular rulemaking process. A proposed amendment containing these changes was published in the March 1, 2001 issue of the *Missouri Register*. A public hearing was held April 10 and written comments were accepted through April 17. The SDWC voted on final changes May 24. This emergency amendment matches the CREP requirements that are in the final rule. The final rule will become effective September 30, 2001 and will replace this temporary emergency amendment on that date.

The scope of this emergency amendment is limited to the issues requiring emergency action. The procedure followed in promulgating this amendment complies with the protections extended by the *Missouri* and *United States Constitutions*.

Emergency amendment filed June 1, 2001, effective June 11, 2001, expires September 30, 2001.

### (6) Grants for Conservation Reserve Enhancement Program Participants.

#### (A) Program Description and Definition of Terms.

1. The Conservation Reserve Enhancement Program (CREP) is a state-federal partnership program targeted to address specific water quality, soil erosion and wildlife habitat issues related to agricultural use. The CREP uses financial incentives to encourage farmers to voluntarily enroll in contracts to remove lands from agricultural production and, instead, to implement approved conservation reserve practices.

2. Approved conservation reserve practices in this program are: introduced grasses and legumes, native grasses, hardwood tree planting, wildlife habitat, contour grass strips, filter strips, riparian buffers, and wetland restoration.

3. The purpose of the grants provided under this section (6) is to provide an additional cash incentive ("rental enhancement payment") to farmers to encourage participation in CREP. The rental enhancement payment is a per-acre cash payment to participating farmers for land enrolled in the CREP that is in addition to other payments or financial assistance from federal or state funds and is a percentage of the annual base rental payment.

3. The annual base rental payment is the average weighted soil rental rate for the three (3) predominant soil types on the acreage offered. The U.S. Department of Agriculture

maintains this information on a county-by-county basis for the entire country.

**(B) Application Requirements.**

1. As required by section 640.615, RSMo, the applicant must first apply with the agency or other financial source which is to furnish the primary financial assistance. After the amount of that assistance has been determined, an application for a grant shall be submitted on forms provided by the department. The application shall be supported by the necessary documents and forms from other state and federal grant or lending agencies or private lending agencies to enable the department to establish eligibility and need for grant funds.

2. The application shall contain:

A. The number of acres being protected;

B. The source for the local match;

C. A letter from the local soil conservation district approving the proposed practices to be implemented including a reasonable time line for completion;

D. A legal description of the project; and

E. The name and address of the farmer(s) (subrecipients) proposing the practices.

3. The project for which the grant application is submitted shall comply with appropriate state and local laws, rules and ordinances. These projects shall be limited to those areas with a source water protection program approved by the department.

4. These grants are to be considered secondary sources of funding and, as such, shall in no case exceed one thousand four hundred dollars (\$1400) per contracted connection, fifty percent (50%) of the total project cost, or \$500,000, whichever is less.

5. A local match for the rental enhancement payment grant is expected.

A. The department expects rental enhancement payment grants not to exceed the product of five percent (5%) of the annual base rental payment times the duration of the contract in years (for example, if the contract is in effect 15 years, the rental enhancement grant would equal 75% of the total of all annual base rental payments), and expects this to be matched with an equal amount of other nonfederal funding.

B. Funding priority will be given to those applicants that offer the highest percentage of matching funds. If matching funds are not available, the applicant may request a reduction or waiver of the match requirement, in which case the rental enhancement payment grant shall not exceed the product of ten percent (10%) of the annual base rental payment times the duration of the contract in years.

**(C) Approval and Payment of Grants.**

1. The applicant shall be notified by the department when the grant application has been approved.

2. Payments will be made to the recipient after completion of the approved practice. These grant payments shall be made immediately available to the farmer (subrecipient) implementing the practices. Grant payments to the recipient may be combined to cover multiple subrecipients.

**(D)** If a subrecipient fails to carry out the terms and conditions of the CREP contract, the State may require reimbursement of the rental enhancement payment portion of the grant with interest.

*AUTHORITY: section 640.615, RSMo [1994] 2000. This rule was previously filed as 10 CSR 60-2.020 Sept. 21, 1973, effective Oct. 1, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 19, 2001. Emergency amendment filed June 1, 2001, effective June 11, 2001, expires Sept. 30, 2001.*

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 3—Records

### PROPOSED AMENDMENT

**11 CSR 45-3.010 Commission Records** The commission is amending section (1).

*PURPOSE: The commission proposes to change section (1) of the rule to maintain the records in the commission's Jefferson City office instead of its St. Louis office.*

(1) All records of the commission shall be maintained at its office in *[St. Louis]* **Jefferson City**, Missouri.

*AUTHORITY: sections 313.004, 313.805 and 313.847, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed May 3, 2001.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m. on August 1, 2001 at the Missouri Gaming Commission's hearing room, 3417 Knipp Drive, Jefferson City, Missouri.*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

### PROPOSED AMENDMENT

**11 CSR 45-4.380 Occupational License Application and Annual Fees.** The commission is amending section (5).

*PURPOSE: The commission proposes to bill Class A licensees directly for occupational license renewal fees in order to more efficiently manage the collection process.*

(5) The initial annual fee for occupational licenses shall be paid in full to cover the first year of licensure. The license expires annually on the last day of the month of issue. The annual **occupational license renewal fee** *[shall be paid in full and shall be due upon application for renewal of the license]* will be billed to the **Class A licensee**.

*AUTHORITY: sections 313.004, 313.805 and 313.822] and 313.800–313.850, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed May 3, 2001.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m. on August 1, 2001 at the Missouri Gaming Commission's hearing room, 3417 Knipp Drive, Jefferson City, Missouri.*